

REMARKS

This reply is in response to the Final Office Action dated November 4, 2008.

Claims 98-101 and 118-133 are pending in the application and stand rejected.

Applicant has amended claims 98, 118, and 128 to correct matters of form and/or to correct grammatical/typographic errors. No new matter has been added.

Entry of the foregoing amendment and reconsideration of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 128-133 stand rejected under 35 U.S.C. § 112, first paragraph.

Applicant respectfully disagrees. However, Applicant has amended claim 128 to more clearly recite aspects of the invention, obviating the rejection. Referring to Figures 4 and 12 in the Applicant's specification, the rollers are arranged in a cylindrical array. The array of rollers has a longitudinal axis through which the longitudinal axis of the tube 8 can be maintained. As such, the specification clearly meets the enablement requirement of 35 U.S.C. § 112.

Withdrawal of the rejection and allowance of claims 128-133 is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 98, 99, 101, 118-121, and 124-133 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. (U.S. Patent No. 3,363,442; hereafter "*Kennedy*") in view of Nilsson (U.S. Patent No. 4,763,504; hereafter "*Nilsson*"). The Examiner states,

Kennedy does not disclose a means for sensing a speed of the tube and controlling the rollers. Nilsson teaches (column 15, lines 60-68 and column 16, lines 1-17) that it is known to provide a sensing means (303) for sensing roll rotation which is the stock throughput speed (tube speed). The roll rotation speed of rolls (266,268) is then controlled in response to the sensing. It would have been obvious to one skilled in the art at the time of invention to provide

Kennedy with speed sensing as taught by Nilsson in order to control a roll rotation of the array.

Applicant respectfully traverses the rejection on grounds that *prima facie* obviousness has not been met. At the very least, *Kennedy* in view of *Nilsson* does not teach, show, or suggest a means for sensing at least one of a linear speed of the advancing tube, a straightness of the tube, a speed of rotation of the supporting cylinder, and a finished diameter of the tube, or a means for controlling the speed of rotation of the rollers in relation to the linear speed of the advancing tube, as required in claims 98, 118, and 128, and those dependent therefrom.

Kennedy discloses a device for tapering discrete, relatively short lengths of tubing using a small number of skewable rollers 67 contained in a housing 25. *See*, Figure 1-6. The housing 25, as part of the roller assembly 11, is moved along the length of the tubing 69 while the tubing 69 is rotated. (*See*, col. 4, lines 17 to 63.) The tubing 69 does not advance and does not have a linear speed. Indeed, *Kennedy* makes no mention of a means for sensing at least one of a linear speed of the advancing tube, a straightness of the tube, a speed of rotation of the supporting cylinder, and a finished diameter of the tube, or a means for controlling the speed of rotation of the rollers in relation to the linear speed of the advancing tube.

Nilsson discloses a system for straightening a solid bar or thick-walled pipe while the pipe is pulled through the system. *Nilsson's* sensors regulate the operation of a brake and clutch for the purpose of controlling the rotational speed of a larger diameter roll before the work piece (stock) is entered into the pass. After the leading end of the stock has traveled beyond the center of the roll pass, the larger diameter roll is returned to normal speed until the stock is discharged at the exit end of the pass. *See*, *Nilsson* at col. 15, line 65 to col. 16, line 17. *Nilsson* induces drag on the larger diameter roll so that the “stock may be forced laterally into the wedged support formed by the stock’s contacts with both rolls at the entry of the pass.” *See Nilsson* at col. 15, lines 52-56. As such, the “sensing means” disclosed in *Nilsson* determines the position of the stock, and more particularly, the “leading end” of the stock and/or the “trailing end” of the stock, not the linear speed of an advancing tube, the straightness of the tube, the speed of rotation of the supporting cylinder, and/or the finished diameter of the tube. *See Nilsson* at col. 15, line 65 to col. 16, line 30.

Therefore, at the very least, a combination of *Kennedy* with *Nilsson*, does not teach, show, or suggest a means for sensing at least one of a linear speed of the advancing tube, a straightness of the tube, a speed of rotation of the supporting cylinder, and a finished diameter of the tube, or a means for controlling the speed of rotation of the rollers in relation to the linear speed of the advancing tube, as required in claims 98, 118, and 128, and those dependent therefrom. For at least these reasons, withdrawal of the rejection and allowance of the claims is respectfully requested.

Furthermore, the proposed modification of *Kennedy* to include the sensor of *Nilsson* would make *Kennedy* unsuitable for its intended purpose. As discussed above, the housing 25 in *Kennedy* advances about a rotating workpiece 69. The workpiece 69 otherwise does not move. Therefore, the Examiner's proposed modification of *Kennedy* in view of *Nilsson* requires the workpiece 69 of *Kennedy* to move linearly which defeats the intended purpose of advancing the housing 25. For at least this reason, *prima facie* obviousness has not been met. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Claim 100 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kennedy* in view of *Nilsson*.

Applicant respectfully traverses the rejection. Since claim 100 includes all the limitations of claim 98, claim 100 is allowable for at least the same reasons. Withdrawal of the rejection and allowance of the claim 100 is respectfully requested.

Claims 122 and 123 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kennedy* in view of *Nilsson*.

Applicant respectfully traverses the rejection. Since claims 122 and 123 include all the limitations of claim 118, claims 122 and 123 are allowable for at least the same reasons. Withdrawal of the rejection and allowance of the claims 122 and 123 is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the pending claims are now in condition for allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been addressed to the Examiner's satisfaction.

Respectfully submitted,

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Date

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